



Deval L. Patrick  
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Timothy P. Murray  
Lieutenant Governor

Kevin M. Burke  
Secretary

# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

*Board of Building Regulations and Standards*

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Thomas G. Gatzunis, P.E.  
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Alexander MacLeod, R.A.  
Chairman

Gary Mocella, P.E.  
Vice Chairman

Robert Anderson  
Administrator

Date: October 27, 2009

Name of Appellant: Edward P. & Fran Breau

Service Address: Brian Rose  
275 Charles River Street  
Needham, MA. 02492

In reference to: 24 Cleveland Road  
Needham, MA. 02492

Docket Number: 09-774

Property Address: 24 Cleveland Road  
Needham, MA. 02492

Date of Hearing: 08-25-09

Enclosed please find a copy of the decision on the matter aforementioned.

Sincerely:

**BUILDING CODE APPEALS BOARD**

Patricia Barry, Clerk

cc: Building Code Appeals Board  
Building Official

**COMMONWEALTH OF MASSACHUSETTS**  
**State Building Code (780 CMR) Appeals Board**  
**Board's Ruling on Appeal<sup>1</sup>**

**Docket No. 09-774**

Appellant(s): Edward and Fran Breau  
represented by Brian Rose

vs.

Appellee(s): City/Town of Needham  
Daniel Walsh

**Procedural History**

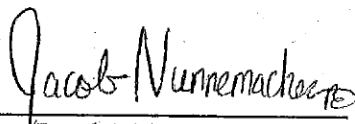
This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant a variance from 6<sup>th</sup> edition 780 CMR 3603.12.1 and 3603.13.2 for 24 Cleveland Road, Needham, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on August 25, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board. Brian Rose, Michael Rose, Edward Breau, and Stephen O'Neill appeared and testified.

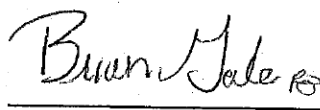
**Discussion**

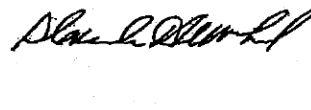
After testimony and discussion of exhibits, a motion was made to grant the Appellant's request for a variance to the 6<sup>th</sup> Edition 780 CMR 3603.12.1 and 3603.13.2 based on the fact that it would be hardship to meet the requirement with marginal safety gain, and it is allowed in the 7<sup>th</sup> edition 780 CMR, and the building official is not opposed to the variance. There was a second on the motion and a board vote was taken, which was unanimous.

**Conclusion**

The Appellant's request for a variance to the 6<sup>th</sup> edition 780 CMR 3603.12.1 and 3603.13.2 is hereby **granted** as described in the discussion above and so ordered<sup>2</sup> on this date: August 25, 2009.

  
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Jacob Nunnemacher

  
\_\_\_\_\_  
Brian Gale

  
\_\_\_\_\_  
Alexander MacLeod

<sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

<sup>2</sup> In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.